

Section	Comments	Response
Title	The title says this ordinance will add Article XVII to the Land Development Code. Does this refer to the existing code that is currently in effect? If so, how will it be incorporated into the SLDC?	Yes, see red line. It is anticipated that these regulations will be incorporated into the updated SLDC.
Title	Includes the words "... and sand and gravel mining of a certain scale." Since the chapter intends to regulate sand and gravel mines with blasting – regardless of scale (as in size) – because of the intensity and impact of such activity, should the title somehow reflect this?	No changes recommended.
1	Add under Purpose, "If applicant fails to meet the criteria, the BCC may deny the application."	Not necessary, the burden is on the applicant to demonstrate compliance, not the County. No changes recommended.
1.3	How does the County intend to enforce these regulations?	Enforcement is always a challenge, but clear regulations will promote compliance and make enforcement more manageable. No changes recommended.
Sections 2 and 3	In the future there may be other types of proposed developments that would affect the health, safety and welfare of the people of Santa Fe County. Has consideration been given to placing language here to allow for future adjustments/additions?	No changes recommended.
2.3.	Sand and gravel extraction pursuant to Section 10.2.1 – see comments below on that section.	See responses below:
3.1	Suggest adding: "Fully enclosed warehouses where salvage operations and storage of reusable parts occurs are not subject to this Section. Nothing in this Section shall prevent such warehouses from being deemed DCIs under separate Sections."	No changes recommended.
3.2.	Landfill. Is the listing of NMAC and EIB as regulators to define which landfills? As opposed to implying these landfills are regulated by those agencies but not the county?	No changes recommended.
3.3.	Sand and Gravel mining. Rather than limiting the regulated extraction activities to only construction materials, consider broadening the definition to include other uses, because the scale and/or methods of extraction and processing is what matters under this chapter, as opposed to whether or not it gets used to build something.	Made changes.

3.3	<p>Rephrase this so that basalt is not the only geological rock type mentioned. Thus "Extraction of naturally occurring minerals as materials for construction and other purposes, including but not limited to rock, stone, sand, gravel, aggregate, cobbles, river rock, and similar naturally granular materials. Materials consisting of any geological type of rock (for example, granite, basalt, shale, sandstone and similar categories of rock) are subject to this ordinance. Extraction of rock to be finished as blocks or slabs for masonry, sculpture, or other uses are covered under [Mining Ordinance.]"</p>	Made changes.
Section 4	<p>Procedures and Submittals In the sections that deal with the specific types of DCI developments addressed under this Article, there are requirements for specific studies and reports. Are these required documents for review intended to be part of the application materials, the same way as studies in Chapter 6 of the SLDC are? If so, this should be explicitly stated.</p>	Yes, these requirements are part of the application process. No changes recommended.
4.1	<p>Should this also say "The BCC and CDRC are under no obligation to permit any DCI, nor to change zoning status of any parcel in order to permit a DCI." ??</p>	Not necessary, the burden is on the applicant to demonstrate compliance, not the County. No changes recommended.
4.2.	<p>Applicability of the Sustainable Land Development Code (SLDC). Might the term "merely" be construed by some to state that the applicable referenced portions of the SLDC are just 'referenced' but not actually required to be applicable. Is there a way to clarify that the referenced material is actually being adopted into DCI Chapter XVII, and does apply to projects reviewed here?</p>	Made changes.
4.3.	<p>Application procedures. Will the applicant be required to provide all owners of record, and their concurrence with the project? Is a survey required?</p>	No changes recommended.
Section 4.3. 4.4. 4.5	<p>In Section 4, Procedure and Standards, 4.3 references the procedures in Chapter 4 of the SLDC, but then 4.4 and 4.5 give detailed requirements for applications for a DCI Overlay Zoning District and for a Conditional Use Permit. It's not clear how these new sections fit into the SLDC chapter.</p>	Modifications may be necessary to bring these regulations into the SLDC and those modifications will be done at that time.

4.3	<p>Overlay and DCI: The establishment of an Overlay Zone is required as part of any DCI application. Overlay Zones are also required in some non- DCI situations. The procedure for application for an OZ appears to be the same. Similarly, the procedures for conditional Use Permits are the same for DCI and non- DCI applications. I think this is a good thing, though there could be a possibility of abuse?</p>	<p>Agreed. The goal is to clearly define these processes to limit the potential for abuse. No changes recommended.</p>
4.4.	<p>This section in general. Is there a specification of the level of qualifications required for the compilers of these various studies? Is there a requirement that Best Available Science be the standard where that would be expected, to ensure the quality and accuracy of the material to be reviewed?</p>	<p>Yes, see sec. 6.2.2 of SLDC. Plus, qualifications of 3rd party consultants will be in contracts issued by County. No changes recommended.</p>
4.4	<p>The list under 4.4 specifies what needs to be included in the Overlay Zoning District application. To make the structure of the list consistent, 4.4.5 should be 'An emergency....plan'; 4.4.6 does not need the title 'Phasing Schedule.'; 4.4.8 should begin 'All information...'. Also, 4.4.9 doesn't fit in the list of items to be submitted so should be placed outside the list.</p>	<p>Review of the formatting is being done as part of this process.</p>
4.4.1.	<p>An accurate map of the project: Consider adding "... including all easements and other encumbrances." Also consider adding that the map must include the ownership boundary.</p>	<p>No changes recommended.</p>
4.4.2.1.	<p>The word "approximate" is used for the phases. This makes it harder for the County and the public to accurately understand what will occur in terms of scale and intensity.</p>	<p>No changes recommended, but limiting size of phases is under consideration.</p>
4.4.2.2.	<p>Might undeveloped properties be shown as well? The rationale being that it is then easier for the County and the public to understand how many parcels are affected within the 5 mile radius. Any parcel might be considered as at least one or more single family residences affected, depending on parcel size. Also consider specifying that the (5 mile) radius is from the ownership boundary. This would ensure that even if the concept "drifted", the most accurate information about adjacent ownerships is always there. Given the broad open scale of the County, and the ability to see or be negatively impacted by activities many miles away, might there need to be a provision here to enlarge the 5 mile radius requirement in certain cases.</p>	<p>No changes recommended.</p>
4.4.2.3	<p>Add, to be explicit, "height," ...</p>	<p>Made changes.</p>

4.4.2.4.	Traffic circulation plan. What level of qualification is required for the developer of this plan? How would the applicants be held to their plan, so the intensity does not “escalate” over time?	No changes recommended.
4.4.2.4 "trip"	Add "for passenger vehicles, trucks, and any special equipment (extremely heavy or over-width vehicles)," ...	Made changes.
4.4.2.4 "highway"	ADD: "and listing the tare and loaded weights of any vehicle except passenger cars and pickups expected to enter or leave the site"	No changes recommended.
4.4.2.7.	In 4.4.2.7, saying 'within the five (5) mile radius of the project site perimeter' implies that a site is circular. Would it be better to say just 'within five (5) miles of any portion of the project site perimeter'?	No changes recommended.
4.4.3	ADD: "lighting," ...	Made changes.
4.4.5	Under 4.5, 4.5.2 is not something to be included in the application and should be placed outside the list.	Made changes to 4.4.5 and eliminated 4.4.5.2.
4.4.5.2.	Include language for an emergency plan in case of failure of retention ponds, berms, and retaining walls.	Made changes.
4.4.5.2. (4)	ADD: "failure of berms, dams, or ponds used for temporary or long-term onsite control of runoff or any other liquid,"...	Made changes.
4.4.6.	ADD: "and shall include revegetation plans as required under 10.3.24.3 and elsewhere in this ordinance."	This requirement is already included. No changes recommended.
4.4.8.	Consider adding: "At the time of application, the applicant shall provide all information that the County requires to carry out all required Studies, Reports, and Assessments (SRAs). The applicant and any other interested party shall have the option of preparing other SRAs relevant to the application, and furnishing the results to the County."	Not necessary, the burden is on the applicant to demonstrate compliance, not the County. No changes recommended.
4.4.9.	Instead of “ within one mile of the perimeter of the project area,” could the section state “within one mile of the ownership boundary,” to allow for project “creep” during the review process. Thus providing up front the most accurate list of ownerships. “five business days” notice would be too short a time for many members of the affected public in this section to re-arrange their schedules without major disruption. Might the section use a longer time period as is used with other County notice procedures?	Made changes.

Continue...	Might there be some wording in this section to require that the applicant's project information is developed enough for the public attendees to have a clear understanding of its potential impacts, so that the proceedings can hopefully achieve their purpose to resolve to the extent possible, issues and problems between the parties. Also, if the applicant changes the proposal, will there be a future pre-application meeting with the parties, for the same purpose?	No changes recommended.
4.4.9.	Concern regarding notification/meeting with neighbors within 1 mile; should be at least 2 miles, but 5 miles is preferred based on other sections. Consider including the entire transportation route instead of 1 mile. Determine what applicant is required to bring to the public meeting. Require that handouts of plans and highpoints of meetings to be provided or accessible to the public. Track and document pre-application meetings. Allow for pre-application meeting to be held in other locations rather than only in County offices; too far to travel. Notification of public meeting – Needs earlier notification, two weeks (10 business days)	Made changes.
4.4.9.	Five days' notice is not sufficient. Recommendation that notification be 10 business days. Use the County's website online bulletin for DCI applications. Add this to language. Public notification should be greater than 1 mile. Preference would be 5 miles, or at least 2-3 miles.	Made changes.
4.4.9.	Amend to: 10 days notice	Made changes.
4.4.9 "the applicant"	ADD: "The applicant must present, at a minimum, detailed site plans as described in 4.4.3 above; preliminary answers to all questions raised by 4.2 above; and at least a summary of the report required under 4.4.10 concerning consistency with the SGMP. The pre-application meeting shall therefore not be scheduled before applicant has and is ready to present such information to the public."	Made changes.
4.4.9 "invitees"	ADD: "and the applicants"	No changes recommended.
4.5	Under 4.5, 4.5.2 is not something to be included in the application and should be placed outside the list	Review of the formatting is being done as part of this process.
4.5.2.	"... all potentially dangerous facilities." Are these facilities of the project, or intended to also show others in the area that could be affected, for example fuel storage.	No changes recommended.

4.6.	<p>Revocation of a DCI Conditional Use Permit. Section I (Purpose) of this Article XVII states clearly that DCIs place major demands on the County, and have the potential to affect the environment and the public health, safety and welfare. Why then is the project owner and/or operator given 15 business days to stop an activity that violates the terms of the Conditional Use Permit? In other words, negatively affects the health, safety and welfare of the people of Santa Fe County? Might an immediate Stop Work Order posted and provided to the project owner and/or operator be more in the best interests of the people of Santa Fe County? Followed up with rapid interactions between the County and the proponents to resolve the issue to protect the people of the County.</p>	Made changes. See new sec. 4.6.5.
4.6.1.4.	<p>ADD: "whether specified in the conditional Use Permit or not," AND DELETE FROM END OF SENTENCE ..."that is not within the scope of C U P."</p>	Made changes.
4.6.2.3.	<p>Provide criteria for cease and desist / emergency orders to prevent loss of life and/or disasters. Add language: "In case of emergencies, the County will use all means necessary to immediately stop the operation." (Willy Brown clarified that the County can already seek an injunction to abate the nuisance in the case of an emergency).</p>	Made changes. See new sec. 4.6.5.
4.6.2.3.	<p>ADD AS 4.6.2.4: "Notwithstanding any provision of this Section 4.6, if in the judgment of the Land Use Administrator or other competent County official, any action or inaction by the Holder creates a clear and present danger to any person, or clear and present threat of irreparable environmental damage, the County may order the Holder to cease and desist immediately and correct the condition. This provision shall only be invoked for serious threats; grievances and appeals may be pursued through the courts, but shall under no circumstances be grounds for refusing to cease and desist and correct the threatening condition(s)."</p>	Made changes.
4.6.3.2.	<p>What burden of proof does the Permit holder have?</p>	No changes recommended.
4.6.3.5.	<p>For activities that are clearly egregious, or repeated violations with no clear intent of the permit holder to correct activities, would the Board have the authority to revoke the permit?</p>	No changes recommended. See new secs. 5.1.8 and 5.2.3.

Section 5	Similarly, in Section 5, adding 'to ensure' at the beginning of 5.1.3, 5.1.4, 5.1.5 and 5.1.6 would make that list parallel. Also, in 5.1.4, we suggest adding 'to identify' between 'and' and 'when' in the last clause. Also, in 5.2.3, we suggest adding 'to review' before 'the past performance'.	Made changes.
5.1.3.	Clarify what adequate public facilities assessment means.	Made changes.
5.1.4.	ADD COMMA AFTER "capital improvements plan", and ADD SEMICOLON AFTER "by the applicant"	Made changes.
5.1.5.	Consider rephrasing so it is clear that the review will clearly evaluate whether water is available for each and every phase of the proposed DCI. This is necessary because of the cumulative impact of water withdrawal.	Made changes.
5.1.5.	SUB: "each and every" INSTEAD OF "the various"	Made changes.
5.1.7.	INSERT ; AND MAKE REMAINDER OF 5.1.7 INTO ITS OWN SECTION 5.1.8: 5.1.8. to determine the operator's past compliance (or lack thereof) with federal, state, and local laws related to this DCI or to similar past projects; and to determine, given the explicit authority of the reviewers to deny the CUP application on grounds of non-compliance, whether the evidence warrants doing so; and	Made changes.
5.2.	Consider adding to the criteria that each application shall be reviewed for "consistency with this Article" so there is no misunderstanding on anyone's part.	No changes recommended.
5.2.	Amend to: "the Hearing Officer, the CDRC and the BCC."	No changes recommended.
5.2.	Although there is a section on process for revoking an Overlay (4.6) there is no corresponding section stating the procedure for review and approval. If this is not spelled out in a more general section, it must be added here. It was my understanding that the CDRC was always advisory, and the BCC made any such development permit decisions.	No changes recommended.
Section 6. Findings	Move to either an introductory or closing location in the ordinance: This looks to me like it was cut and pasted from somewhere else, where it was the introduction (i.e., giving reasons for the existence of a DCI ordinance). I agree it should either be at the beginning (as part of Section 1, or a renumbering where it becomes Section 2) or at the end, just before the adoption text and signatures.	No changes recommended.

6.3	DIANE - that is worth further proofreading. There are references to revegetation; I haven't read far enough to know whether they include "at the Operator's expense."	No changes recommended.
6.6	In the list under 6.6, the language of the last paragraph, 6.6.10, does not have the same structure as the previous paragraph. Should this be a separate 6.7 with the following paragraphs renumbered?	No changes recommended.
6.6.6.	ADD: "and to the likely results of greenhouse gas emissions on local and global climate;"	No changes recommended.
6.7.	Remove all language including the Galisteo Basin and make it more general cultural landscape language.	No changes recommended.
6.7.1.	CHANGE "will have significant" TO "would have unusually significant" ...	No changes recommended.
Table 7-1- Wildfire Hazard (Sand & Gravel) "No"	Mining equipment has real potential to spark wildfire, even if the mine itself isn't at risk of burning. CHANGE TO "yes"	Made changes.
Table 7-1- Water supply availability (Sand & Gravel) "No"	REVISE TEXT AND CHANGE TO "Yes": Water availability and capacity for all projected uses throughout all phases of the project; if supply from a central system is proposed, proof of adequate long-term supply without reduced present or future availability to or added expense by existing users	No changes recommended.
Section 7	In Section 7, should the table be 7-1 or 17-1? Why does the second-to-last item on water availability and capacity, not have an impact to be identified, mapped and addressed for any of the DCIs?	Table number changed to 7-1.
Section 7 Table 7-1	Categories of Impacts. Might all projects addressed under this Chapter need to be addressed for each of the categories in the Table? Soil bearing, wildfire hazard, earthquake hazard and water availability could be issues for any of the types of DCIs. It might be difficult to make an overarching decision to the contrary, without reviewing the specific project's merits and issues. How would the cumulative impact of projects proposed where there are also nearby intensive similar activities in existence. Ones that would have come under this Article if proposed today? It seems that the cumulative impact to the people of Santa Fe County would be greater in this case.	No changes recommended.

7.1.	Provide thorough assessment of visual impacts. How is the viewshed mapped? Specify techniques or requirements for the assessment. Add view corridors / view shed to Table 17-1 and add language for protection of cultural landscapes. Define sand and gravel, include "minerals". Distinguish between sand/gravel and hard rock.	Made changes to sand & gravel definition. Re-numbered Table 17-1 to Table 7-1.
7.1.	Include a solid / liquid waste management plan including items such as filters, and portable toilets.	No changes recommended.
Section 8	Landfills. Should there be a section that addresses hours of operation, to limit the impact on the public of Santa Fe County to a specific time frame? The same would be true of limiting lighting timing and intensity, and requiring that any minimal security lighting be pointed down, otherwise it is visible for miles in this open landscape. How will the issue of odor and its offsite impacts be addressed within this section?	Made changes.
8.2.	ADD: "Provisions of this Section explicitly apply to such facilities belonging to or operated by any branch of government, including Santa Fe County itself."	No changes recommended.
8.3.	ADD in 8.3 AS SEPARATE SECTION: 8.3.x. Hours of Operation. No landfill shall be open to the public, nor shall staff engage in any activity, outside the hours of 8AM to 5PM. Days of operation may be set to accommodate public and staff, and may include weekends.	Hours of operation are addressed in the ordinance. Made changes.
8.3.4.	ADD: "Only security lighting, designed for minimum light output, shall be allowed outside of hours of operation."	No changes recommended.
8.3.11.	Might the section clarify that the setbacks applied to the entire project including structures, activities and all materials and other aspects of the operation including parking. How will setbacks from critical areas including steep slopes be addressed?	No changes recommended.
8.3.11.1.	ADD "any salvage material, plus associated buildings, equipment, and storage" ...	No changes recommended.
Section 9	Junkyards. Consider adding the same additions as Section 8 to provide for clear hours of operation, limit lighting, and clarify that all aspects of the project would be within the setbacks and buffers. How will setbacks from critical areas and steep slopes be addressed?	Made changes.

9.1.	Add language that the junkyard regulations are specific to outdoors and exclude indoor salvage / warehouse operations.	No changes recommended.
9.2.	ADD EXCLUSION OF FULLY-ENCLOSED SALVAGE WAREHOUSES per Section 3.1 ADD including any salvage by any govt agency, including SF County (see Section 8.2)	No changes recommended.
9.3.	ADD Hours of Operation, and prohibition of after-hours lighting except minimal security lighting, same as Section 8.	Hours of operation are addressed in the ordinance. Made changes.
9.3.2.3.	I DON'T UNDERSTAND EXTRACTION AREA IN REGARD TO A JUNKYARD. SUGGEST REWORDING THIS SECTION TO RESEMBLE 8.3.11.3: "9.3.2.3. Surrounding Vegetation. Existing vegetation on the entire site shall be preserved to the maximum extent possible. Any vegetation that serves to screen any aspect of the operation from neighboring or public view shall be preserved, as shall all vegetation existing in any setbacks."	Made changes.
9.3.3.	ADD prohibition of lighting after hours of operation, except minimal security lighting. See Sec 8.	No changes recommended.
9.3.6.	Should 9.3.6, Hazardous Materials under Junkyards, have the same language about setbacks for the impoundment structure as 8.3.6? Should this setback language also be included in 10.3.11?	No changes recommended.
10.2.	Applicability. Consider revising the end of the first sentence to add "or crushers." Depending on the intensity of activity, crushing noise can and does carry many miles in this open landscape. Also, should the wording in this paragraph read 10 acres OR 20,000 tons? Might there be cases where an operation of less than 10 acres would have the intensity of activity to more broadly affect the health and welfare of the people of Santa Fe County?	Made changes.
Continue...	How could that be addressed in this Chapter. How would the 20,000 tons of earth materials provision be regulated in terms of a time frame? For example 20,000 tons of materials extracted 5 days a week might result in the processing of and shipping of 6 trucks per day leaving a site in a year. In a three month period the intensity would quadruple from the initial example, and so forth as the time frame narrowed. Clearly these examples have different intensities. How should this be addressed? See also 10.2.3.3., as the comments also apply.	Made changes.

10.2.1.	Clarify definition for sand and gravel. It should not include fill dirt. Clarify that Ordinance is for commercial sales versus grading a site. Include Chapter 11 for Level 1 sand and gravel extraction. Not enough directive on what the operator's responsibilities are – needs to be spelled out; keep record of tonnage over time; needs uniformity in approach. Add "new" to last sentence, between require and application.	Made changes.
10.2.1.	First sentence, change to "This Section 10 applies to the extraction and processing of any sand and gravel extraction operation that affects 10 acres or more of land and or extracts more than 20,000 tons of earth materials over the life of the mine, or which utilizes blasting.	Made changes.
10.2.1	In 10.2.1, shouldn't this read '...affect 10 acres or more of land OR extract more than 20,000 tons...'? Our understanding is that any one of these large-scale parameters would place a sand and gravel operation under these more rigorous regulations.	Made changes.
10.2.1.	<p>SUGGESTED RE-PHRASING (reasons for some of the changes are at end of this note):</p> <p>"This Section 10 applies to any operation that extracts or processes sand or gravel (as defined under 3.3) and which does any one of the following: a) affects 10 or more acres of land surface area; b) extracts more than 20,000 tons of such materials; or c) utilizes blasting or cutting of solid rock. Small incremental expansions of an approved extraction operation that intentionally or unintentionally avoid the application and approval requirements of this ordinance are prohibited. Any additional operation that increases the total operation at the same or contiguous location, such that the total exceeds 10 acres or 20,000 tons, shall require application and processing under this ordinance. For this Section, "contiguous location" means any area of extraction whose edge(s) lie within one-quarter mile of the nearest edge of the prior approved operation. This Section applies whether expansion is undertaken by the original permittee, any operator, or any person who takes over the permit under any circumstances."</p>	See Changes to Section 10.2.

Continue...	<p>KS REASONING ON THE ABOVE SUGGESTIONS:* As Diane points out, the criteria are "OR" not "AND." * "Earth materials" would include topsoil, which has NOT thus far been defined (in 3.3 or elsewhere) as a "sand and gravel" material. I would favor including it (in 3.3). However, even if we do, "earth materials" here could be misconstrued as meaning that 20K tons of "overburden" soil had to be removed before the limit was reached. * We discussed the fact that blasting is only one high-noise and high-dust technology. I strongly urge that on-site crushing be grounds to classify as a DCI, and that the language be able to include unusual and future technologies used for quarrying (as opposed to scooping out naturally granular materials). GRANULAR MATERIALS is the key to defining sand, gravel, topsoil, etc as opposed to the cutting, blasting, or quarrying of solid rock.</p> <p>* "same owner/operator" and "effectively avoid" are ambiguous and could become loopholes. No permittee should be able to argue that the expansion didn't "effectively" avoid, nor that it was unintentional. Nor should hiring a new operator, or selling the business to a relative, allow expansion by that person without new application.* "Contiguous" needs a definition. The distance could be argued, but it is important to keep the phrasing about which edges define proximity. I would call it a "location" because "property" implies legal boundaries, when what we are trying to control is operational boundaries.</p>	See Red Line. Made changes.
10.2.2.	<p>DELETE "rock quarrying or gravel" and REPLACE WITH: includes any removal, stockpiling, or processing of any naturally granular materials including but not limited to the examples given in Section 3.3. Delete "rock quarrying"; this is more related to removing large chunks of rock and crushing it for gravel.</p>	No changes made.
10.2.3.1.	<p>Why are decorative building materials excluded? A project could have just as much impact on the people of Santa Fe County if the scale and type of operation were conducted in the same way. What if the decorative rock were removed by blasting, for example?</p>	Made changes.

10.2.3.1.	KS NOTE: 10.2.3.1 is utterly unclear and should be deleted entirely. What is "decorative" and what is not? Finding a small area of gravel exposed at the surface would allow an operator to dig out anything below it, and probably around it as well. PLEASE delete.	Made changes.
10.2.3.1.	Define or clarify what decorative building material is?	Made changes.
10.2.3.2.	THIS ALSO makes no sense. How could basements and footings be construed as mining? It MIGHT make sense to say that the section doesn't apply to "demolition of buried foundations or other constructed objects." Add Excavation for basements and footings of a building, or retaining wall or demolition that involves excavation.	Made changes.
10.2.3.3.	Add "as amended" to the end of the sentence.	No changes recommended.
10.2.3.3.	10.2.3.3 We'd suggest splitting this into 2 sentences with a period after 'blasting' and then 'These operations are regulated...' The word 'does' should be 'do'.	Made changes.
10.2.3.3.	CHANGE "this is" to "are". CHANGE: two instances of "and" to "or". ADD: "or crushers" after "blasting"	Made changes.
10.2.3.4.	10.2.3.4 This refers to Article III, Section 5 of this Ordinance, but there is no Article III in the draft. Is this correct?	No changes recommended.
10.2.3.4.	THIS NEEDS TO BE CHECKED, AS WELL AS THE REFERENCE TO ARTICLE XI. The Land Development Code is being superseded (yes?), so it should not form part of the cross-referencing. And unless I am confusing sections, Art. XI is the one that deregulates all types of sand and gravel, as if drafted by Industry for Industry. Anyone else able to clarify this?	No changes recommended.
10.3.2.	Add "unless otherwise specified by the BCC". (see 10.3.4.5)	Made changes.
10.3.3.1.	ADD: "Potable water includes water naturally potable, or made so by treatment, including treated effluent."	Made changes.
10.3.4.3.	Under 10.3.4.3, the initial word 'to' should be deleted from items 2 and 3.	Made changes.
10.3.4.5.	Project Description. Should the project description include the related transportation routes as well as the site, given that section 10.3 has specific requirements governing transportation routes and facilities.	Made changes.
10.3.4.5.(2)	ADD "that includes both the extraction site and all related transportation routes"	Made changes.

10.3.5.	This appears to me to be part of Transportation, and refers to the construction of roads. As written, it might seem to be about the entire project (including extraction). Thus I suggest clarifying. ADD: "describing all transportation-related construction that would be part of the project, including:"	No changes recommended.
10.3.5.5.	In 10.3.5.5, should the word 'soil' be plural?	Made changes.
10.3.7.	Visual Screening. Should this section contain a provision to ensure that all parts of the entire activity are screened, including structures, parking, and other aspects of the operation. How will screening be addressed in terms of phasing?	Made changes.
10.3.7.3.	ADD: "any and all vegetation existing in the required setbacks shall be preserved."	Made changes.
10.3.7.4.	Should this section include a provision for reclamation of one phase before the commencement of the next, and provisions for reviewing and approving the reclamation before the next phase.	Made changes. See new sec. 10.3.22.1.
10.3.8.	Should there be wording about limiting or prohibiting lighting after hours, except for minimal lighting for security purposes. Also, any lighting that is pointing horizontally is visible for miles in this open landscape and clear air.	No changes recommended.
10.3.8.	ADD prohibition of lighting after hours, except minimal security lighting that is downward, not horizontally directed.	No changes recommended.
10.3.11.	Add "lined" before impoundment structure.	Made Changes.
10.3.12.1.	Wildlife- Is the flood plain considered a 100 year or 500 year? Specify that no mining be done within the 100 year flood plain.	No changes made. Requires consideration of all flood plains.
10.3.12.1.	change "will" to "must"	Made changes.
10.3.14.1.(1)	NOTE: Sec. 1 language pertains to extracting soil for engineering fill on roadways. It has no purpose here and is confusing.	Made changes.
10.3.14.1.(2)	ADD "grading, construction, or extraction activities" ADN SUBSTITUTE "such activities" for "grading" in the next line.	Made changes.
10.3.14.2.	ADD: "practices appropriate to industrial operations and large-scale grading and excavation, including but not limited to:"	Made changes.
10.3.15.1.	Might consideration be given to requiring a baseline noise study? Also, the section refers to specific equipment, but does not address the noise of blasting. Should this be explicitly addressed in the section? What qualifications are required for conducting and developing the noise study?	Made changes. (County has separate nuisance ordinance.)

10.3.15.2.	I AGREE. Consider requiring a baseline noise survey. ADD "showing projected noise and including a baseline of existing noise conditions taken on at least three days representative of current conditions"...	Made changes.
10.3.16.	Blasting Plan. Will the blasting plan include timing, frequency, intensity and total amount of blasting over specific time periods, so the County and the public has a clear idea of the project from the outset? Might this be explicitly defined as a requirement?	No changes recommended.
10.3.16.	Add blasting permit requirement to this section. Include time restrictions and the number of blasts permitted. There should be a requirement for public input on blasting permits. Blasting can cause damage to homes. Suggestion by Penny Ellis-Green that the Ordinance should include language and conditions for liability insurance to be held by mining operation. Hours of operation and blasting - BCC should stipulate hours of operation and how many blasts are covered under the permit. Concern about trucks running non-stop. (Penny Ellis-Green said the Commission in the past has stipulated that trucking hours not conflict with school buses through the conditional use permit process).	No changes recommended, hours of operation are addressed.
10.3.16.	ADD: "If the operation will do any blasting," ... Submission of a blasting plan does not guarantee approval of blasting."	No changes recommended.
10.3.16.3.	In 10.3.16.3, should the word 'shall' be inserted before 'establish'? Or is the intent for the plan to conform to existing noise and vibration standards? Does it make sense for the plan to establish standards?	Made changes.
10.3.16.3.	ADD: "A summary of the blasting plan, written to be understandable by lay-people and describing the noise, vibration and dust impacts from such blasting, shall be provided to the public at the pre-application meeting, and made available at all times throughout the life of the operation if approved."	Made changes.
10.3.18.	How are setbacks determined? Are they from the property line or from the structures? What are the setbacks from structures to the mining pit or operation?	Defined. No changes recommended.
10.3.18.	Setbacks. How will setbacks from critical areas such as steep slopes be addressed?	No changes recommended.
10.3.18.3.	Change setback from residential structures and public land to 1 mile.	No changes recommended.

10.3.20.	I agree this is good - and predict industry objections.	No changes recommended.
10.3.21.1	It's not clear how 10.3.21.1 fits under 'Activities in or near Water Bodies'? Should it be part of 10.3.24 instead?	No changes recommended.
10.3.21.2.	REPLACE SECTION: 10.3.21.2. Water-Body. For purposes of this Section, water-bodies include naturally occurring rivers, streams, ponds, lakes, including seasonal streams and "playas " (seasonal lakes", all of which are essential wildlife habitat wherever they occur in New Mexico. Any work done near a water-body shall be conducted in a manner that improves habitat for native animal species that rely on natural water-bodies.	Made changes.
10.3.21.3.	Minimum Buffer. Define what the "plant site" consists of. Is it just the pit, buildings, and/or the entire area being disturbed? Should include all land disturbed by the operation.	Made changes. Changed to sand and gravel operation.
10.3.21.4.	CHANGE "the" TO "any	Made changes.
10.3.22.	ADD "and must submit GPS coordinates to the County to update County databases."	Made changes.
10.3.22.1.	Require a specific size for each phase.	Made changes.
10.3.23.	Unfortunately, I think this is basically impossible. Pits will be open for many years, and their size has a logic of its own, so they can't be forced into "workable size" by revegetation considerations. I SUGGEST REPLACING THE SECOND SENTENCE: "The plan shall provide phased revegetation such that replanting occurs immediately after active extraction is completed for any area. The plan shall also take seasonal conditions into account to maximize the germination and survival rate of plants used for revegetation."	No changes recommended.
10.3.23.4.	ADD "with the exception that a delay in re-planting of no more than 11 months may be accepted if seasonal considerations would improve reclamation prospects."	No changes recommended.
10.3.25.	Existing Sand and Gravel. (note: the copy reviewed has two different 10.3.25 sections). Does this first paragraph apply ONLY to legally established operations? If so, might this be explicitly stated? Also, if the final County approval did not address blasting, might blasting now be required to be reviewed under this Article, since it is an increase in intensity that could have countywide impact on the health safety and welfare of the people of Santa Fe County? Annual Operation Plan Monitoring Report. This section may need renumbering.	Made changes.

10.3.25.	Concern was expressed about the 125% expansion of existing mining operations. Clarify when the expansion requires a new DCI.	Made changes.
10.3.25.	SUBSTITUTE "up to 25% beyond the area currently and formerly mined at that location."	Made changes.
10.3.25.2.	ADD: "Even when Administratively reviewed, the report shall be available both digitally and in print as public record to any person requesting it, subject to the County's standard charges for copying, if any."	No changes recommended.
10.19.	Section 10.19 (SLDC) doesn't have tonnage / acreage limits included in description.	No changes recommended.
Appendix A	Under inspection fees, what is a courtesy inspection? Might clarification be needed for the public's understanding? How would fees for enforcement inspections be addressed, since this is a burden on the County?	No changes recommended.
Section 11	In Section 11, where is the referenced Appendix A?	Appendix A is the Fee Schedule. Made Changes.
General (blasting)	We need to make blasting and crushing grounds for stricter requirements SRA and operational requirements, and higher bonding, even if both cases were DCIs. Blast pits are exceptionally hard to reclaim, and certainly won't respond to the minimalist efforts that are common with genuine gravel-scooping operations. And clearly the dust, noise, and vibration from blasting and crushing are far more serious and far-reaching than for a similar-sized operation that doesn't do either. (Ideally, I'd like to see blasting-for-gravel moved to Hard Rock Mining, which it much more resembles; but Penny has a valid worry - if we say that, but don't then revise Hard Rock, that creates gaps and loopholes that could leave blasted gravel (a lovely phrase) completely unregulated, to the great joy of the industry.	See Red Line, 10.3.16.4. and 5. Made changes.

General (Articles XI)	<p>I am very concerned that the old Article XI is going to be allowed to be the standard for non-DCI G&S, even though the County assures me this is temporary until the SLDC is finished. That old non-law is the reason we are in this now. It was (by the looks of it) written for industry by industry. There is language in it that, taken literally, exempts them from any provision of the old Land Development Code whatsoever! I think there is a workable suggestion: to say (where the new ordinance currently references Art XI, the following, in effect: Non-DCI sand and gravel operations are regulated by Art. XI AS AMENDED HEREIN (giving a section number that would be at the end of the new ordinance now being drafted). That section would read: Art XI is hereby amended as follows, and would take the existing XI language, deleting all the worst loopholes, making it clear that the definition of sand and gravel is the same as used in the DCI sections, and updating whatever is important. That way, we don't leave a gaping loophole for smaller mines. The revised Art XI could be the basis (or not) for the new SLDC chapter that eventually replaces it, but in the meantime, there is something better than that gutless and confusing chapter to deal with the non-DCI application.</p>	See Red Line, Article XI, 1.1 Applicability
General	<p>The point about "encouraging giant operations" - an unintended consequence of wanting operators to plan the whole operation, not encroach piecemeal. I think this is a real concern.</p>	No changes recommended.

General	<p>The fact that there are no upper limits on size or tonnage, nor on percentage of land surface disturbed. I think this could be resolved, for "real" gravel operations at least, by making restoration of the previous operation or phase a precondition for being able to apply for the next phase or area. This should specify that "no more than X acres (or Y % of the land surface of the property) may be under active excavation at any one time, and that any area over (size, percent) that is no longer actively being mined must be restored prior to any further application." Maybe even that failure of revegetation to establish can be grounds for suspension (not revocation, just stop-work) of a permit. With provisions like that, a very large area might be disturbed in total (which I doubt we can prevent), but at any given time, the impact on habitat, water, and viewshed would be a much smaller footprint. To get this to work, I think we would have to talk to a mining engineer about how large an operation has to be on the surface, given the slopes created by scooping out loose gravel or sand. Otherwise, the idea of maxing out the disturbed area might be shot down as impractical.</p>	No changes recommended.
General	<p>Anne's question about landmark protection seems still very important. I'll have to re-read, but it seems to me that not much prevents someone from putting a junkyard in the Plaza, so to speak.</p>	No changes recommended.
General	<p>I think that requirements for operations that rely on blasting and/or on-site crushing should be more stringent than for those that do not. The noise and dust issues from blasting and crushing mean that setbacks should be considerably longer. The widely accepted professional consensus that "restoration" of blasted pits is seldom if ever successful should also mean that blasting requires a restoration bond of several times the amount otherwise required, and that proposed blasting should be a strong negative against granting either an overlay or a conditional use permit. I urge you to consider this as a priority in revisions.</p>	No changes recommended.

General	<p>Along the same lines, I think that blasting really should push any operation that uses it out of sand and gravel regulation, and into hard-rock, which by definition is what they're actually doing. Blasted bedrock pits are different to restore, and often cannot be, and I am afraid are exempt from some state restoration regulations. Regulations that could properly cover granular-material removal don't fit blasting operations, even if the end product is gravel-like. I think the three sections (DCI gravel, Art XI non- DCI gravel, and Hard Rock) need to be revised in parallel and coordinated, or they are going to be full of loopholes and headaches for everyone, even the miners.</p>	No changes recommended.
General	<p>I do definitely understand your concern that blasting-for-gravel has to be covered in this DCI or it would create a loophole. Could this ordinance state "Blasting, whether for gravel or any other form of rock extraction, is a DCI and falls under the Hard Rock ordinance"?</p>	No changes recommended.
General	<p>I'm concerned about this process going too fast, and ending up with huge gaps. The re-cycling of the old Article XI is awful --that chapter exempts gravel mining from everything else in the Land Dev Code, and appears to have been written by and for the industry to ensure gravel was not under hard rock or any other regulation. I'm concerned about 'you can't glue it back' -- in other words, once you've buried the wetland under even a tiny landfill, what was special is gone forever.</p>	No changes recommended.
General	<p>It would be best if Hard Rock and non-DCI-gravel were completed NOW in coordination with the DCI. If we can work on that between the formal publication-of-title and the final meeting, I am willing to help draft those revisions, pro bono.</p>	No changes recommended.
General (Size/Scale)	<p>But do we have (or can we get) good data on the average size of existing sand/gravel operations in Santa Fe County? It might make a better threshold, both in terms of "fit" with existing priorities and patterns, but also in terms of being justified by hard statistics.</p>	No changes recommended.
General (Size/Scale)	<p>Could you please send the source (the statute or location of the definition) of "small" under 10 acre mines? I wish to better understand the context.</p>	<p>The criteria was developed based on review of the existing NM mining regulations, other western counties, and our professional recommendation in order to permit the use if small with less land use impact. So it isn't just the 10 acres, but the combination of less than 10 acres, less than 20,000 cubic yards of material and no blasting.</p>

Continue...		Typically a site with exposed sand and maybe some gravel which can be dug with standard equipment. The State does not regulate sand and gravel mining, but uses 10 acres as a cutoff for reclamation requirements for other mining.
Continue...		The State statutes have 10 acres as a cutoff in a couple of places - 19.10.3.303 MINIMAL IMPACT EXISTING MINING OPERATIONS:
Continue...		A. An existing mining operation that continues mining operations will not be considered a minimal impact existing mining operation if it exceeds 10 acres of disturbed land, except that an existing mining operation extracting humate may exceed 10 acres but not 20 acres if its approved closeout plan or reclamation plan provides for concurrent reclamation of mined-out areas. Also, from the Guidance Document for Part 3 Permitting Under the New Mexico Mining Act (hard rock mining)
Continue...		3.0 MINIMAL IMPACT NEW MINING OPERATIONS 3.1 Project Eligibility A mining operation is not a minimal impact project if the project will exceed 10 acres of disturbed land at any one time, excluding pre-existing roads and reclaimed areas within the permit area.
Continue...		To qualify for a minimal impact new operation permit, the disturbed area must be less than 10 acres in total. The project must also meet the definition of Minimal Impact in 19.10.1.M.(2) NMAC.
General-fugitive dust	Fugitive dust control is mentioned, does this include dust from blasting? Dust control - How should it be handled since it is not regulated by the County. Appreciation for how vegetation and air quality was addressed in the draft Ordinance.	Changes made.
Other comments	More detail needed on the locations and instructions for monitoring the tonnage being extracted and transported.	See 10.3.26.
Other comments	Draft Ordinance "writes in stone" current Chapter 11 of the existing LDC. Needs to be spelled out with more direction. Suggestions were made to amend the LDC in conjunction with this Ordinance to insure conformity.	No changes recommended.

Other comments	Strengthen location criteria in old Article 11.	No changes recommended.
Other comments	Concern that Ordinance creates a loophole to come in small and expand, and create a stepping stone to larger operations.	See 10.3.25. Made Changes.
Other comments	Include language on type of materials mined.	See 10.2.2 and changes made to 3.3.
Other comments	Concern regarding the two levels of sand and gravel extraction. Ten acres is too large to be considered a small operation.	No changes recommended.
Other comments	Applicant should be required to decide the full size of operation at beginning rather than expanding later.	Agreed and have safeguards built in if the operation is expanded, see 10.3.25. Made changes.
Other comments	Operations should be limited to no more than 20 acres continuous regardless of owner.	No changes recommended.
Other comments	Determine appropriate area (mapping) for mining operations instead of allowing operators to apply individually.	No changes recommended.
Other comments	Suggestion that there be a minimum separation between individual mining operations by different operators.	No changes recommended.
Other comments	Mined areas should be reclaimed before expansion of operations is allowed	See 10.3.22, 23, and 24.
Other comments	Include phasing plan for entire geographical area regardless of owners, similar phasing as the Oil and Gas Ordinance	No changes recommended.
Other comments	Fees seem excessive for the two-step process. Question regarding how the fees were determined.	Changes made.
Other comments	Suggestion to strengthen old Article XI on location standards and identify suitable areas.	No changes recommended.
Other comments	If there's a restriction on size, what happens if they want to do more/ expand?	See 10.3.25. Made Changes.
Other comments	Does the Ordinance encourage large operations?	The ordinance strive to seek a balance between small operations with lesser standards (See 10.2) and protecting the health, safety and welfare of the County residents.
Other comments	How were the two levels determined; per state regulation?	The criteria was developed based on review of the existing NM mining regulations, other western counties, and our professional recommendation in order to permit the use if small with less land use impact. So it isn't just the 10 acres, but the combination
Other comments Solid Waste	Section 10 or Section 7.1 should include a requirement for a solid / liquid waste management plan and cover items such as disposal filters and portable toilets.	No changes recommended.

Other comments	How are landfills regulated in terms of compaction, liners, etc.? Are transfer sites included in landfill regulations?	Does not include transfer stations, the DCI is for landfills only.
Other comments	How are asphalt plants that are associated with a gravel mine regulated?	Asphalt plants are not a DCI and are regulated as a separate use.
Other comments	Article 11 (LDC) and Section 10.19 (SLDC) review and incorporate asphalt plants.	Asphalt plants are not a DCI and are regulated as a separate use.
Other comments	Clarify the time frame of extraction limits.	There isn't a time frame for the extraction, annual reporting is required and each phase is limited to a maximum of 10 acres.
Other comments	Review the state Mining Act for information on minimum impact criteria and sizing of operations.	See response to item 154.
Other comments	What types of blasting are being utilized? How are these monitored? How are homes effected?	See revised language, setbacks are defined, blasting plan required, blasters must be certified, and a report is required within 5 days of the blasting.